



## **SEPTEMBER 12 - 16, 2005 ST. PAUL, MINNESOTA**

**James B. Loken, Chief Judge - Minneapolis, Minnesota**

### **Circuit Judges in Active Service**

**Roger L. Wollman - Sioux Falls, SD  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND  
William Jay Riley - Omaha, NE  
Michael J. Melloy - Cedar Rapids, IA  
Lavenski R. Smith - Little Rock, AR  
Steven M. Colloton - Des Moines, IA  
Raymond W. Gruender - St. Louis, MO  
Duane Benton - Kansas City, MO**

### **Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN  
Gerald W. Heaney - Duluth, MN  
Myron H. Bright - Fargo, ND  
Theodore McMillian - St. Louis, MO  
John R. Gibson - Kansas City, MO  
George G. Fagg - Des Moines, IA  
Pasco M. Bowman - Kansas City, MO  
Frank J. Magill - Fargo, ND  
C. Arlen Beam - Lincoln, NE  
David R. Hansen - Cedar Rapids, IA**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

***During the September court session, the court will be sitting for five (5) days at four (4) separate law schools as indicated. Please check the calendar carefully for the location of your scheduled argument(s). All other court sessions will be held in the Warren E. Burger Federal Building at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to their respective argument location(s), 30 minutes before Court convenes.***

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans  
Clerk of Court

[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

***Revised: 9/2/05***

**DIVISION I**

**\*\*UNIVERSITY OF ST. THOMAS SCHOOL OF LAW\*\***

**Frey Moot Courtroom  
1000 LaSalle Avenue  
Minneapolis, Minnesota**

**MONDAY, SEPTEMBER 12, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, WOLLMAN, BYE**

			<b>JAB</b>
1.	04-4203MN	Natalie Johnson-Lee, et al. v. City of Minneapolis	30
2.	04-4074NI	Iowa Protection and Advocacy Services, et al. v. Tanager, Inc., et al.	20
3.	04-3908MN	Same Day Surgery Centers, L.L.C., etc. v. Montana Regional Orthopedics, L.L.C., etc.	
	04-3909MN	Same Day Surgery Centers, L.L.C., etc. v. Montana Regional Orthopedics, L.L.C., etc.	15
	04-3677MN	Qwest Corporation, etc v. Leroy Koppendrayer, etc., et al.	<b>REMOVED</b>

**DIVISION I  
Courtroom I**

**\*AFTERNOON SESSION\***

**MONDAY, SEPTEMBER 12, 2005, BEGINNING AT 2:30 P.M.  
BEFORE JUDGES WOLLMAN, ARNOLD, MELLOY**

**SRD**

03-2345WM	Charlotte Klingler, et al. v. Director, Department of Revenue, State of Missouri	15
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**3:30 P.M. BEFORE JUDGES WOLLMAN, BEAM, GRUENDER**

05-1200MN	American Rivers, Inc., et al. v. United States Army Corps of Engineers, et al.	<b>DISMISSED</b>
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**DIVISION I  
Courtroom I**

**TUESDAY, SEPTEMBER 13, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, WOLLMAN, BYE**

**SRD**

1.	04-3886MN	United States v. Youseph J.A. Idriss	
	04-3887MN	United States v. Trokom Harris Moore	
	04-3888MN	United States v. Youseph J.A. Idriss	
	04-3889MN	United States v. Trokom Harris Moore	15
2.	05-1705SI	United States v. Michael David Blazek	15
	05-1253NE	United States v. Thurman Griffin, Sr.	<b>NO ARG</b>
3.	05-2042SI	United States v. Lynn Ray Bracy	15
4.	05-1892NE	United States v. Hashim Amin Cawthorn	15
	05-1339NE	United States v. Serafin Lopez-Flores, etc.	<b>NO ARG</b>

**DIVISION I  
Courtroom I**

**WEDNESDAY, SEPTEMBER 14, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MURPHY, HANSEN, GRUENDER**

			<b>SRD</b>
1.	04-4032ND	Marybeth Dornheim, etc., et al. v. Michael Sholes, etc., et al.	15
	05-1689SI	United States v. Dorothy Jean Egenberger	<b>NO ARG</b>
2.	05-1722SI	United States v. Truong Mai Vo, etc.	10
3.	04-3653ND	Earle Myers, Jr., etc. v. Richland County, et al.	15

**\*\*EN BANC SESSION\*\***

**BEGINNING AT 2:30 P.M.**

**BEFORE JUDGES LOKEN, LAY, WOLLMAN, ARNOLD, MURPHY,  
BYE, RILEY, MELLOY, SMITH, COLLOTON, BENTON**

			<b>SRD</b>
	04-1143EM	United States v. Timothy Jerome McCall	20

**BEFORE JUDGES LOKEN, WOLLMAN, BEAM, ARNOLD, MURPHY, BYE  
RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON**

			<b>SRD</b>
	04-2084NI	United States v. Penny Jilleen Christenson	20

**DIVISION I  
Courtroom I**

**THURSDAY, SEPTEMBER 15, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, BYE, SMITH**

			<b>SRD</b>
1.	05-2265WM	KCCP Trust, etc. v. The City of North Kansas City	20
2.	05-2263SD	United States v. Marlin Hawk Wing	15
3.	05-1717NE	Quentin K. Tanko v. United States, etc.	15
4.	04-4018MN	United States v. Joseph Jonquil Oates	15
5.	05-1031MN	Richard Wertish v. Norman D. Krueger, etc.	15

**DIVISION I  
Courtroom I**

**FRIDAY, SEPTEMBER 16, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, LAY, SMITH**

			<b>SRD</b>
1.	04-3898NE	Ray M. Fender v. Fred Bull, etc.	15
2.	04-4145SD	Northern Cheyenne Tribe, et al. v. Alphonso Jackson, etc.	15
3.	04-3900SD	Alice Torres v. Travelers Insurance Companies, et al.	15
	04-3216MN	Morris Killingham v. County of Hennepin, et al.	<b>NO ARG</b>

**DIVISION II  
Courtroom I**

**MONDAY, SEPTEMBER 12, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES ARNOLD, HANSEN, GRUENDER**

			<b>SRD</b>
1.	05-1015MN	United States v. Kelly Thomas Rieland	10
2.	04-3969SI	United States v. Lorenzo Montejano-Quintanar	15
3.	05-1170MN	Ace Telephone Association, et al. v. Leroy Koppendrayer, etc., et al.	20
	05-1171MN	Ace Telephone Association, et al. v. Qwest Corporation	
	04-3190MN	United States v. Robert Leon Roberson	<b>REMOVED</b>
	04-3675MN	United States v. Donald Leonard Sturgis	
4.	05-1816MN	United States v. Dewayne Pressley	15

**Courtroom II**

**3:00 P.M. BEFORE JUDGES BYE, RILEY, BENTON**

			<b>LMT</b>
	04-3726NI	United States v. Muhammad Anwar	15

**DIVISION II  
Courtroom II**

**TUESDAY, SEPTEMBER 13, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES ARNOLD, HANSEN, MURPHY**

			<b>LMT</b>
1.	05-1245MN	United States v. Arthur Sanchez	15
	05-1345MN	United States v. Carlos Villa, etc.	
2.	04-4051SI	United States v. Juan Gerardo Hernandez, etc.	15
3.	05-1495SD	United States v. Samuel Larsen, etc.	15
4.	05-1276SD	United States v. Naseem Y. Sirbel	15
5.	05-1555MN	United States v. Jason Douglas Oman	10
6.	04-4165SD	United States v. Sherman T. Peneaux	15

**DIVISION II**  
**Courtroom II**

**WEDNESDAY, SEPTEMBER 14, 2005, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES BYE, BRIGHT, SMITH**

			<b>LMT</b>
1.	05-1469MN	A&L Laboratories, Inc., et al. v. Bou-Matic LLC, etc.	
	05-1471MN	A&L Laboratories, Inc. v. Bou-Matic, LLC, etc., et al.	20
	05-1502NI	United States v. Julian McClain	<b>NO ARG</b>
	04-1382SI	United States v. Raul Munoz Lopez, etc.	<b>NO ARG</b>
	05-1378NE	United States v. Amanda Black	<b>NO ARG</b>

**DIVISION II**

**\*\*UNIVERSITY OF ST. THOMAS SCHOOL OF LAW\*\***  
**Frey Moot Courtroom**  
**1000 LaSalle Avenue**  
**Minneapolis, Minnesota**

**THURSDAY, SEPTEMBER 15, 2005, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MURPHY, BRIGHT, GRUENDER**

			<b>JAB</b>
1.	05-1405MN	Charles Geach v. Tom Ridge, etc., et al.	20
2.	05-1125MN	United States v. Valentine Onwubiko Obasi	15
3.	05-1328NE	United States v. Thomas Wilson	10
4.	05-1919MN	United States v. Derrick John Hushman	15



**DIVISION II**  
**Courtroom II**

**FRIDAY, SEPTEMBER 16, 2005, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES MURPHY, BRIGHT, GRUENDER**

			<b>LMT</b>
1.	04-2941	Mohamed A. Omer v. John Ashcroft, etc.	15
2.	05-1791MN	Tory Worum Lund v. Hennepin County, et al.	15
3.	04-2603MN	Jose Alonzo Corpus v. Tony Bennett	15
4.	04-3242MN	United States v. Marzell Deshond Turnbough	10
5.	05-1557MN	United States v. Michael John Walker	10

**DIVISION III  
Courtroom II**

**MONDAY, SEPTEMBER 12, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES RILEY, LAY, FAGG**

			<b>LMT</b>
1.	04-3368MN	Qwest Corporation, etc. v. The Minnesota Public Utilities Commission, et al.	
	04-3408MN	Qwest Corporation, etc. v. The Minnesota Public Utilities Commission, et al.	
	04-3510MN	Qwest Corporation, etc. v. CLEC Coalition, et al.	20
2.	04-4047SI	United States v. Edwardo Perez Gaxiola	15
3.	05-1393MN	John D. Baucom, Jr. v. Holiday Companies, Inc., et al.	15
4.	05-1657NE	United States v. Jesus Olivas	15
5.	04-3771SI	Euka Wadlington v. United States	15

**DIVISION III  
Courtroom III**

**TUESDAY, SEPTEMBER 13, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES RILEY, FAGG, GRUENDER**

			<b>LAD</b>
1.	05-1355NE	United States v. Elias Zavala, etc.	15
	05-1835SI	United States v. Anna Maria Dungy, etc.	<b>NO ARG</b>
2.	05-1093ND	United States v. Paul Robert Dickson	10
	04-4140SI	United States v. Kenny Clyde Homer Bevard, II	<b>NO ARG</b>
3.	05-1330SI	United States v. Polo Rico Guerra	10
4.	05-1390SD	United States v. Eric Conroy	15

**DIVISION III**

**\*\*UNIVERSITY OF MINNESOTA LAW SCHOOL\*\***

**Lockhart Hall - Room 25  
229 19<sup>th</sup> Avenue South  
Minneapolis, Minnesota**

**WEDNESDAY, SEPTEMBER 14, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES RILEY, FAGG, COLLOTON**

**CYZ**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 04-1702   | Saeed Ghasemimehr v. John Ashcroft, etc.      | 15 |
| 2. | 04-3364   | Sergio Loeza-Dominguez v. John Ashcroft, etc. | 10 |
| 3. | 05-1304NE | United States v. Larry D. Cage                | 15 |
| 4. | 04-4100NE | United States v. Merwyn L. Levering           | 15 |

**DIVISION III  
Courtroom II**

**THURSDAY, SEPTEMBER 15, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES RILEY, HEANEY, COLLOTON**

**LMT**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 04-3386MN | Conwed Corporation v. Union Carbide Corporation          |               |
|    | 04-3855MN | Conwed Corporation v. Union Carbide Corporation          | 20            |
|    | 04-3624NE | United States v. Russell J. Frauendorfer                 | <b>NO ARG</b> |
| 2. | 05-1130NI | Vikki A. Wise v. Kind & Knox Gelatin, Inc., etc., et al. | 15            |
|    | 05-1261MN | United States v. Scott William Sutherlin                 | <b>NO ARG</b> |
| 3. | 05-1386MN | United States v. Walter George Awada                     | 15            |

**DIVISION III  
Courtroom III**

**FRIDAY, SEPTEMBER 16, 2005, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES BYE, HEANEY, COLLOTON**

**LAD**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 04-3629MN | Friends of the Boundary Waters Wilderness,<br>et al. v. Conservationists With Common<br>Sense, et al. |    |
|    | 04-3632MN | Friends of the Boundary Waters Wilderness,<br>et al. v. Dale N. Bosworth, etc., et al.                | 15 |
| 2. | 03-3997   | Tu Kai Yang, et al. v. John Ashcroft, etc.  | 15 |
| 3. | 04-2716   | William Johnathan Kimumwe v. John<br>Ashcroft, etc.   | 15 |
| 4. | 05-1371NI | Terry Denner v. Deere & Company   | 10 |
| 5. | 04-3014   | Jean Noel Fongwo v. John Ashcroft, etc.   | 10 |

**DIVISION IV  
Courtroom III**

**MONDAY, SEPTEMBER 12, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MELLOY, BEAM, BENTON**

			<b>LAD</b>
1.	05-1249SD	Nicole Figg v. Duane Russell, et al.	20
2.	05-1118	Mark Senda, et al. v. Commissioner of Internal Revenue	20
	05-1256SI	United States v. Benjamin Joseph Langford	<b>NO ARG</b>
3.	05-1013SI	United States v. Richard Antoine Evans	10
4.	05-1660SD	Virginia Janis, etc. v. Jim Biesheuvel, etc., et al.	15

**DIVISION IV**

**\*\*WILLIAM MITCHELL COLLEGE OF LAW\*\*  
Auditorium - Room 245  
875 Summit Avenue  
St. Paul, Minnesota**

**TUESDAY, SEPTEMBER 13, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MELLOY, LAY, BENTON**

			<b>JMB</b>
	04-4117SI	Henry L. Whitfield v. State of Iowa	<b>NO ARG</b>
1.	05-1184SI	David A. Johnson, etc. v. University of Iowa, et al.	20
2.	04-3791MN	United States v. Petronilo Payan Salvador	
	05-1257MN	United States v. Alonso Urquidez-Tellez	20
3.	04-4142SI	Douglas Maresh v. Jo Anne B. Barnhart, etc.	15
4.	04-3266	Joseph Myers Bropleh v. John Ashcroft, etc.	15

**DIVISION IV  
Courtroom III**

**WEDNESDAY, SEPTEMBER 14, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MELLOY, BEAM, BENTON**

			<b>LAD</b>
	05-1661SI	United States v. Jerry Lee Mutchler	<b>NO ARG</b>
1.	04-4029SD	Craig Thorstenson v. Gale A. Norton, etc., et al.	20
	05-1308NE	United States v. Nicholas R. Dieken	<b>NO ARG</b>
2.	05-1114SD	Marques Good Low v. United States	15

**DIVISION IV  
Courtroom III**

**THURSDAY, SEPTEMBER 15, 2005, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MELLOY, BEAM, BENTON**

			<b>LAD</b>
1.	04-3640SD	Travis Volden v. Innovative Financial Systems, Inc.	
	04-3641SD	Travis Volden v. Innovative Financial Systems, Inc.	15
2.	04-3966SD	Melissa Abdouch v. Vicki Burger, et al.	15
3.	04-2612	Lorena Gonzalez-Avila v. John Ashcroft, etc.	10
4.	04-3893SD	Kroeplin Farms General Partnership v. Heartland Crop Insurance, Inc.	15
5.	04-2922	Jorge Ines Gomez, et al. v. John Ashcroft, etc.	15
6.	05-1482SD	United States v. Jeffrey Bordeaux	15

**DIVISION IV**

**\*\*HAMLINE UNIVERSITY SCHOOL OF LAW\*\***

**The Annette K. Levine Moot Courtroom**

**1536 Hewitt Avenue**

**St. Paul, Minnesota**

**FRIDAY, SEPTEMBER 16, 2005, BEGINNING AT 8:30 A.M.**

**BEFORE JUDGES MELLOY, BEAM, BENTON**

**CYZ**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 04-3895MN | Team Nursing Services, Inc. v. Evangelical<br>Lutheran Good Samaritan Society, etc. | 15            |
|    | 04-3968MN | United States v. James Clarence Stoltz  | <b>NO ARG</b> |
| 2. | 05-1830MN | United States v. David Lee Anderson   | 10            |